

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1216 of 1997

to

First Appeal No.1222 Of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
1 to 5 No.
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DY.COLLECTOR & LAQ OFFICER

Versus

RAIJIBHAI GHEMABHAI,DECD.THRO'HIS HEIRS

Appearance:

Mr.A.B.Vyas,ASSTT.GOVERNMENT PLEADER for Appellants.

Mr.K.M.Sheth for respondents.

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 05/05/98

ORAL JUDGEMENT

Admitted. Mr.K.M.Sheth waives service of notice for the respondents.

By consent, the appeals are taken up for final hearing today.

This is a group of First Appeals filed by the

Deputy Collector and Land Acquisition Officer under section 54 of the Land Acquisition Act against the common judgment and award dated 24.9.1996 passed by the learned Joint District Judge, Panchmahals, Godhra in Land Acquisition Cases Nos.169/88 to 175/88.

Notification under section 4 of the Land Acquisition Act was published on 9.12.1985 for acquiring agricultural lands belonging to the claimants, situated in village Asayadi, Taluka Halol, District Panchmahals. The lands were acquired for construction of the Narmada Main Canal. The Land Acquisition Officer, by his award dated 22.10.1987, awarded compensation at the rate of Rs.1.30 ps. per sq. metre. On reference under section 18 of the Land Acquisition Act, the learned Joint District Judge, Panchmahals increased the rate of compensation from Rs.1.30 ps. per sq. metre to Rs.7/-per sq. metre. He relied on the award made by the Joint District Judge in Land Reference Case No.742/90 in respect of neighbouring village Ambala in which the award was at the rate of Rs.7.70 ps. per sq. metre and the lands were acquired by notification under section 4 dated 11.9.1986. The Government had preferred an appeal against the said award and this Court had reduced compensation from Rs.7.70 ps. to Rs.700 per sq. metre. The learned Joint District Judge, therefore, awarded compensation in the present references at the same rate.

The learned Advocate for the respondents has drawn my attention to the judgment of the Division Bench of this Court dated 23.10.1997 in First Appeal No.1566/97 to 1601/97 in which the award of Rs.7/- per sq. metre made by the District Court in another group of Land Reference Cases arising out of acquisition of lands of the same village Asayadi was confirmed. In the said group of cases, the notifications under section 4 were dated 2.1.1986 and 26.11.1986. In the present cases, the notification under section 4 was issued on 9.12.1985. In the circumstances, there is no scope for interference with the award made by the learned Joint District Judge and there is no substance in these appeals. They are, therefore, dismissed with no order as to costs. If the awarded amount has not been deposited, the appellant shall deposit the same within eight weeks from today.

sd/-

(M.C.Patel,J.)
